

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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WADE ALAN KNIGHT,

Plaintiff

v.

ANDREW CUNNINGHAM,

Defendant.

Case No. 3:23-CV-00421-ART-CLB

**ORDER TO PAY FILING FEE
OR FILE APPLICATION TO
PROCEED *IN FORMA PAUPERIS***

I. DISCUSSION

On August 28, 2023, Plaintiff Wade Alan Knight ("Knight") submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Knight has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Knight a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$402 filing fee for this action on or before **Monday, November 6, 2023**. Absent unusual circumstances, the Court will not grant any further

1 extensions of time.¹

2 If Knight is unable to file a fully complete application to proceed *in forma pauperis*
 3 with all three required documents or pay the full \$402 filing fee on or before **Monday,**
 4 **November 6, 2023**, this case will be subject to dismissal without prejudice for Knight to
 5 file a new case with the Court when Knight is either able to acquire all three of the
 6 documents needed to file a fully complete application to proceed *in forma pauperis* or
 7 pays the full \$402 filing fee.

8 A dismissal without prejudice means Knight does not give up the right to refile the
 9 case with the Court, under a new case number, when Knight has all three documents
 10 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Knight
 11 may choose not to file an application to proceed *in forma pauperis* and instead pay the
 12 full filing fee of \$402 on or before **Monday, November 6, 2023** to proceed with this case.

13 The Court will retain Knight's civil rights complaint (ECF No. 1-1), but the Court will
 14 not file the complaint unless and until Knight timely files a fully complete application to
 15 proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

16 **II. CONCLUSION**

17 For the foregoing reasons, **IT IS ORDERED** that the Clerk of the Court will **SEND**
 18 Knight the approved form application to proceed *in forma pauperis* by an inmate, as well
 19 as the document entitled information and instructions for filing an *in forma pauperis*
 20 application.

21 **IT IS FURTHER ORDERED** that on or before **Monday, November 6, 2023**, Knight
 22 will either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee
 23 and the \$52 administrative fee) or file with the Court:

- 24 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
 25 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two

26
 27 ¹ The Court entered an order almost identical to the instant order on August 30,
 28 2023. (ECF No. 3.) However, the order was returned as "undeliverable" as it was delivered
 to Knight's previous address. (ECF No. 6.) Therefore, the Court is entering the instant
 order to ensure delivery to Knight.

1 signatures on page 3),

2 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
3 official (i.e. page 4 of this Court's approved form), and

4 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
5 **previous six-month period.**

6 **IT IS FURTHER ORDERED** that, if Knight does not file a fully complete application
7 to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a
8 civil action on or before **Monday, November 6, 2023**, this case will be subject to dismissal
9 without prejudice for Knight to refile the case with the Court, under a new case number,
10 when Knight has all three documents needed to file a complete application to proceed *in*
11 *forma pauperis* or pays the full \$402 filing fee.

12 **IT IS FURTHER ORDERED** that the Clerk of the Court will retain the complaint
13 (ECF No. 1-1) but will not file it at this time.

14 **IT IS SO ORDERED.**

15 **DATED:** October 5, 2023.

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18 **UNITED STATES MAGISTRATE JUDGE**
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